

**Adopt Ins 4400, Stop Loss Insurance, to read as follows:**

**CHAPTER Ins 4400 STOP LOSS INSURANCE**

Statutory Authority: RSA 400-A:15, I.; RSA 415-H:5

**PART Ins 4401 ACTUARIAL CERTIFICATION**

**Ins 4401.01 Purpose and Scope.**

I. The purpose of this part is to establish criteria for actuarial certification that the insurer is in compliance with RSA 415-H.

II. This part shall apply to all accident and health insurers licensed to do business in this state.

**Ins 4401.02 Definitions.** For the purposes of this part:

I. "Actuarial certification" means "actuarial certification" as defined in RSA 415-H:2 I.

II. "Attachment point" means "attachment point" as defined in RSA 415-H:2 II.

III. "Expected claims" means "expected claims" as defined in RSA 415-H:2 III.

**Ins 4401.03 Actuary Criteria; Change of Actuary.**

I. The board of directors of each stop loss insurer shall appoint an actuary responsible for the filing of the actuarial certification required by RSA 415-H.

II. The actuary shall meet the following qualifications:

(a) Hold membership in good standing in the American Academy of Actuaries;

(b) Not have violated any provisions of the insurance laws of this state or any other state, or any obligation imposed by the insurance laws of this state or any other state, in the course of the actuary's duties;

(c) Not have been found guilty of fraudulent or dishonest practices;

(d) Not have demonstrated incompetence or untrustworthiness to act as an appointed actuary; or

(e) Resigned or been removed as an appointed actuary within the past 5 years as a result of:

(1) Acts or omissions set forth in any adverse report or examination; or

(2) Failure to adhere to generally acceptable actuarial standards.

III. The insurer shall immediately notify the commissioner if the insurer changes the actuary responsible for the annual certification.

IV. The notice provided in III. above shall disclose the reason for the change.

**Ins 4401.04 Certification by Actuary.** For the purposes of actuarial certification, the actuary shall perform the following duties:

I. Certify that the insurer has not issued or renewed any stop loss policy with an annual attachment point for claims incurred per individual that is less than \$20,000;

II. Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 50 or fewer covered employee members with an aggregate attachment point that is less than the greater of the following:

(a) \$4,000 times the number of covered lives;

(b) 120 percent of expected claims; or

(c) \$20,000;

III. Certify that the insurer has not issued or renewed any stop loss policy to any employer group having 51 or more covered employee members with an aggregate attachment point that is less than 110 percent of expected claims;

IV. Certify that the actuary's examination included a review of the appropriate records and the actuarial assumptions and methods used by the insurer in establishing attachment points and other applicable determinations in conjunction with the provision of stop loss insurance coverage;

V. Certify that the methods used to calculate the number of covered employee members and the number of covered members is consistent across the insurer's business in this state and no changes have been made in these methods in the past 5 years;

VI. File an actuarial certification with the board of directors of the insurer and with the commissioner;

VII. Promptly notify the commissioner and the board of directors of the insurer of any error in a previous certification; and

VIII. Promptly notify the commisisoner and the board of directors of the insurer when the actuary cannot provide the actuarial certifications as required.

**Ins 4401.05 Term of Certification and Annual Filing.**

I. The actuarial certification period shall be coterminous with a calendar year.

II. The actuarial certification shall be submitted to the commissioner annually, to the attention of the life, accident and health insurance division, on or before March 15 following the period for which the actuarial certification is being made pursuant to RSA 415-H:4.

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